

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Joe Hand Promotions Inc.,	:	
	:	
Plaintiff	:	Civil Action 2:08-cv-00547
	:	
v.	:	Judge Marbley
	:	
Matt Jackson, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

**Report & Recommendation**

On July 31, 2008, this case was duly noticed for a preliminary pretrial conference to be held August 28, 2008 at 9:30 a.m. Counsel for plaintiff appeared. Defendants Matt Jackson, Brian Jackson and J Brothers Enterprises, LLC failed to appear. Defendants also failed to participate in the conference of the parties which, as noticed on July 31 and in accordance with Eastern Division Order No. 01-1, part II, had to be held on or before August 7.

On August 28, 2008, the Court order defendants Matt Jackson, Brian Jackson and J Brothers Enterprises LLC to show cause why their answer should not be stricken and default entered against them for failure to participate in the Rule 26(f) conference and for failure to attend the preliminary pretrial conference.

On September 5, 2008, the purported answer of the corporate defendant J Brothers Enterprises LLC was stricken from the record and defendant was directed to retain new counsel. The Court ruled that because J Brothers Enterprises LLC is a corporation, it would

be in default if it failed to retain new counsel who enters an appearance on its behalf within 30 days. Defendant has not retained a new attorney.

Defendants have repeatedly failed to comply with Orders of this Court. Consequently, the Magistrate Judge RECOMMENDS that default be entered against defendants Matt Jackson, Brian and J Brothers Enterprises LLC for failing to comply with Orders of this Court.

Copies of this Order should be mailed to all counsel of record and to Matt Jackson, 6136 Busch Blvd., Columbus, Ohio 43229, Brian Jackson, 6136 Busch Blvd., Columbus, Ohio 43229, and J Brothers Enterprises, LLC, 6136 Busch Blvd., Columbus, Ohio 43229.

If any party objects to this Report and Recommendation, that party may, within ten (10) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. *See* 28 U.S.C. §636(b)(1)(B); Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *See also Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

s/Mark R. Abel  
United States Magistrate Judge